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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,249	09/23/2005	Stephan Fazeny	FAZENY-1 (PCT)	1888
25889	7590	12/12/2008		
COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			EXAMINER EVANS, GEOFFREY S	
			ART UNIT 3742	PAPER NUMBER
			MAIL DATE 12/12/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/550,249	Applicant(s) FAZENY, STEPHAN	
	Examiner Geoffrey S. Evans	Art Unit 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-13 and 15-25 is/are allowed.
- 6) ☒ Claim(s) 26-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The indicated allowability of the subject matter in claims 26-44 is withdrawn in view of a newly discovered reference (Chapman in U.S. Patent No. 4,900,379). The delay in citation of this reference is regretted.
2. The drawings submitted 28 July 2008 are acceptable.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 26-32,34,35,40,41,42 are rejected under 35 U.S.C. 102(b) as being anticipated by Chapman in U.S. Patent No. 4,900,379. Chapman discloses an apparatus with a material removing unit (cutting head element 204) and a handling unit for moving the material removing unit in the X-Y plane (see column 4,lines 13-27). Chapman further discloses an ink dispensing unit (marking head 402, see column 5,lines 19-23). Chapman further discloses that the ink-jet marking gantry may be combined with the water jet cutting gantry (see column 6,lines 31-35). Implicitly an ink-jet marking dispenser will have at least one outlet orifice and one discharge passage..
5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 33,39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chapman in view of Tanigawa in Japan Patent No. 9-30,097. Tanigawa teaches using multiple dispensers to dispense multiple colors of ink. It would have been obvious to adapt Chapman in view of Tanigawa to provide this to quickly create a multi-colored marking on the workpiece.

7. Claims 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chapman in view of Yamaguchi et al. in Japan Patent No. 10-193,635. Yamaguchi et al. teaches a pressure controlled metering device for a ink jet marker. It would have been obvious to adapt Chapman in view of Yamaguchi et al. to provide this to control the metering of ink from the dispenser.

8. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chapman in view of Abramchenko et al. in Soviet Union Patent document No. 1,689,473. Abramchenko et al. teach using a shut off valve to provide a fluid tight seal of a ink chamber dispenser. It would have been obvious to adapt Chapman in view of Abramchenko et al. to provide this to cut off the dispensing of ink.

9. Claims 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chapman in view of Herman Jr. in U.S. Patent Application Publication No. 2002/0002416. Herman Jr. teaches an input (e.g. keyboard in figure 1) for a gantry controlled cutting device and the equivalence of laser cutting implement and a water jet cutting implement (see paragraph 26). It would have been obvious to adapt Chapman in view of Herman Jr. to provide an input unit to allow the user to flexibly control the

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cutting process and to alternatively provide a laser cutting device as a functionally equivalent method of cutting a workpiece.

10. Applicant's arguments with respect to claims of record have been considered but are moot in view of the new ground(s) of rejection.

11. Claims 1-13 and 15-25 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey S. Evans whose telephone number is (571)-272-1174. The examiner can normally be reached on Mon-Fri 7:30AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on (571)-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Geoffrey S Evans/
Primary Examiner, Art Unit 3742